IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL REVISION APPLICATION NO. 200 OF 2003.

Baba Gena Bhusnar. ... Applicant.

Versus.

Shankar Deoba Jadhav & others. ... Respondents.

Shri U.R.Agandsurve for the Applicant.

Ms.M.H.Mhatre, A.P.P. for the Respondent-State.

CORAM : ABHAY S. OKA, J.

DATED : 18th August, 2005.

P.C.:

1. Heard the learned Counsel appearing for the Applicant and the learned A.P.P. for the State. The challenge by the Applicant, who is the original Complainant, is to the impugned Judgment and Order by which the Accused were acquitted of offences punishable under sections 147, 148, 302 read with section 149 or in the alternative read with sections 34, 201, 149 or in the alternative read with sections 34, 506 read with 149 or in the alternative read with section 34 of the Indian Penal Code.

2. The learned Advocate for the Applicant submitted that there was no reason to disbelieve the version of the eye witness. He submitted that the version of the eye witness was corroborated by the evidence in the form of recovery of incriminating articles. He submitted that the impugned Judgment and order is perverse.

3. I have considered the submissions. The learned Judge has recorded reasons for discarding the testimony of the eye witness. The learned Judge has stated that the eye witness has disclosed the incident to the Police after two days after all the Accused were arrested. The learned Judge has discarded the evidence of recovery of certain articles on the ground that the articles were not sealed. In my view the learned Judge was justified in rejecting the prosecution case on account of the aforesaid infirmities. There is no merit in the Revision Application. The same is rejected.

Judge.